

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

SAUL SOLIS-TENORIO,
Defendant.

NO. CR14-73 RSM

ORDER CONTINUING TRIAL DATE
AND PRETRIAL MOTIONS DUE DATE

THIS MATTER having come before the Court on the stipulated motion filed by the United States and defendant Saul Solis-Tenorio for an order continuing the trial date and motions deadline in the above-captioned matter, and the Court having considered the motion, any other pleadings filed, and the waivers of Speedy Trial filed by the defendant, the Court now finds and rules as follows:

Defendant was charged by complaint and had his initial appearance in this matter on February 28, 2014. He was subsequently indicted and was arraigned on March 28, 2013. Trial was scheduled that date for May 19, 2014 with a motions deadline scheduled for April 10, 2014. This matter has not previously been continued.

Under the Speedy Trial Act, the trial of a defendant shall commence within 70 days from the date that an indictment is made public, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs . Certain periods of delay are excludable from the Speedy Trial

1 calculation. See 18 U.S.C. § 3161(h). In particular, any period of delay resulting from a
2 continuance is excludable if the Court makes a finding that the ends of justice served by
3 the continuance outweigh the best interest of the public and the defendant in a speedy
4 trial. 18 U.S.C. § 3161(h)(7)(A). The factors, among others, which a judge shall
5 consider in determining whether to grant a continuance pursuant to 18 U.S.C. §
6 3161(h)(7)(A) are set forth in § 3161(h)(7)(B)(i)-(iv).

7 In deciding whether to continue this matter, the Court has concluded that the
8 parties are acting diligently. As noted in the stipulated motion seeking the continuance,
9 the United States has provided voluminous discovery consisting of over 500 pages of
10 state and federal law enforcement reports and a like amount of pleadings. Additionally,
11 counsel advise that considerable electronic discovery has been provided consisting of
12 photos, various audio recordings, and electronic tracking results obtained over the course
13 of the investigation.

14 Counsel advises that additional time is necessary for review of the materials, to
15 finalize their own investigation, confer with the defendant and finish trial preparation.
16 This time is necessary in order to provide effective representation to the Defendant and
17 could not be accomplished in the period presently allotted for trial under the Speedy Trial
18 Act.

19 In light of the voluminous discovery detailed above, and counsel's need for
20 additional time to conclude preparation, the Court finds that failure to grant the requested
21 continuance would deny the defendant reasonable time necessary for effective
22 preparation, taking into account the exercise of due diligence. 18 U.S.C. §
23 3161(h)(7)(B)(i), (iv). Therefore, the Court finds that the ends of justice served by the
24 granting of the requested continuance outweigh the best interest of the public and the
25 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

26 Therefore, it is hereby ORDERED that the stipulated motion is GRANTED. It is
27 further ORDERED that the trial in this matter shall commence on September 15, 2014.
28 Pretrial motions are due on or before August 11, 2014.

1 It is further ORDERED that this period of delay from the date of this order
2 through the new trial date above will be excludable time under the Speedy Trial Act
3 under Title 18, United States Code, Section 3161(h)(7)(A).
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5 Dated this 18th day of April 2014.
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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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21 Respectfully submitted,
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23 JENNY A. DURKAN
24 United States Attorney

25 /s/ Matthew R. Pittman

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